

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION

MDL NO. 16-2738 (FLW) (LGH)

*THIS DOCUMENT RELATES TO ALL CASES*

**PLAINTIFFS' CROSS NOTICE OF TAKING ORAL  
DEPOSITION OF TIMOTHY MCCARTHY**

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that pursuant to the Federal Rules of Civil Procedure, Plaintiffs, by and through the undersigned counsel, hereby cross-notice the videotaped deposition upon oral examination of Timothy McCarthy in the above-referenced matter. A copy of the amended deposition notice is attached as Exhibit A.

Plaintiffs reserve the right to take a supplemental (non-duplicative) deposition of Steven Mann as may be needed based upon the production of documents and other discovery to occur subsequent to the presently scheduled deposition.

The deposition will take place before a person authorized to administer oaths and will continue until completed at the following time:

**May 20, 2021 and May 21, 2021, at 10:00 a.m. (EST) via ZOOM.**

The deposition will be videotaped before a certified court reporter and may be used for the purposes of discovery or for use by Plaintiff as evidence at trial, both. You are invited to appear and take part in the examination as you deem appropriate.

Dated: May 11, 2021

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that on May 11, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the CM/ECF participants registered to receive services in this MDL.

/s/ P. Leigh O'Dell  
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# Exhibit A

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI**

**VICKIE FORREST**, et al.,

Plaintiffs,

vs.

**JOHNSON & JOHNSON**, et al.,

Defendants

Case No. 1522-CC00419-02

Division 1

**NOTICE OF VIDEOTAPED (REMOTE)  
DEPOSITION OF TIMOTHY MCCARTHY**

TO: All Counsel of Record

PLEASE TAKE NOTICE that pursuant to Rule 57 of the Missouri Rules of Civil Procedure, Plaintiffs, by their undersigned attorneys, shall take the videotaped deposition of **Timothy McCarthy**, in the above-referenced matter. The deposition which shall be taken by videotape and stenographic means before a certified court reporter or other person authorized to administer oaths will be conducted remotely via Zoom video conference services., on **Thursday, May 20, 2021 through Friday, May 21, 2021**, beginning both days at **10 a.m. EST**, as agreed upon by all parties, and will continue from day to day until completed. The deposition will be taken before Golkow Reporting. The deponent and all persons wishing to attend the deposition shall provide counsel for Plaintiffs with their email addresses no later than four days before the deposition

The witness is required to bring/produce true, correct and complete copies of all documents as referred to in **Schedule A** attached hereto, no later than five (5) business days prior to the deposition.

**SCHEDULE A**

1. A copy of the witness's current or most recent resume or curriculum vitae.
2. The witness's complete personnel file, including but not limited to, any and all performance reviews and personnel records that relate or refer to the witness's work on Johnson's Baby Powder and any other talcum powder products.
3. Any and all documents pertaining to the witness's compensation while employed by Johnson and Johnson or any of its subsidiary companies.
4. Any and all documents in the witness's possession, custody, or control which discuss, mention, consider, or contemplate the presence of asbestos in Johnson's Baby Powder, Shower to Shower, or other talcum powder products.
5. Any and all documents in the witness's possession, custody, or control which discuss, mention, consider, or contemplate the association between talcum powder and ovarian cancer.
6. Any and all documents in the witness's possession, custody, or control which discuss, mention, consider, or contemplate the association between Johnson's Baby Powder, Shower to Shower, or other talcum powder products and ovarian cancer.
7. Any and all documents in the witness's possession, custody, or control which discuss, mention, consider, or contemplate the association between asbestos and ovarian cancer.
8. Any and all documents in the witness's possession, custody, or control which reflect communications with any Johnson and Johnson entity or employee, including its lawyers, regarding talcum powder products.
9. Any and all documents in the witness's possession, custody, or control which reflect communications specifically with Susan Nicholson, MD after the witness left employment with Johnson and Johnson.
10. Any and all documents in the witness's possession, custody, or control which reflect communications with any Johnson and Johnson entity or employee after the witness left employment with Johnson and Johnson.
11. Any and all documents in the witness's possession, custody, or control which reflect communications with any Johnson and Johnson entity or employee, after the witness left employment with Johnson and Johnson, regarding talcum powder products.

12. Any and all documents in the witness's possession, custody, or control which refer or relate to, in any way, the following specific individuals or entities regarding talcum powder products:
  - a. Imerys or any of its predecessor companies including Rio Tinto and Luzenac
  - b. Crowell and Moring, including Ridgeway Hall
  - c. Robert Glenn
  - d. Meta-Analysis Research Group
  - e. Joshua Muscat MD
  - f. Michael Huncharek, MD
  - g. Brooke Mossman, PhD
  - h. National Toxicology Program
  - i. Person Care Products Counsel (PCPC)
  - j. Talc Interested Party Task Force
  - k. International Agency for Research on Cancer (IARC)
  - l. Cosmetic Ingredient Review (CIR)
  - m. Health Canada
  - n. Canadian Cosmetic Toiletry and Fragrance Association (CCTFA)
  - o. Cosmetics Alliance Canada (CAC)
13. Any and all documents in the witness's possession, custody, or control which discuss, mention, consider, or contemplate the International Agency for Research on Cancer's (IARC) consideration of talc as a human carcinogen.
14. Any and all documents in the witness's possession, custody, or control which reflect communications specifically with the Food and Drug Administration (FDA) regarding talcum powder products.
15. Any and all documents in the witness's possession, custody, or control which reflect communications specifically with Rich Zazenski regarding talcum powder or talcum powder products.
16. All communications with or about John Hopkins relating to talcum powder products.
17. All communications with or about Bill Ashton relation to talcum powder products.
18. All communications with or about Center for Regulatory Effectiveness (CRE), Multinational Business Services (MBS), Multinational Legal Services (MLS), Bill Kelly, Jim Tozzi, or Alfred Wehner relating to talcum powder products.

Dated: May 10, 2021

Respectfully submitted,

**ONDERLAW, LLC**

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**Certificate of Service**

The undersigned hereby certifies that this document was filed and electronically served by way of the Court's electronic filing system on this 10<sup>th</sup> day of May, 2021.

/s/ W. Wylie Blair